



Commonwealth of Virginia

VIRGINIA DEPARTMENT OF ENVIRONMENTAL QUALITY

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EXECUTIVE COMPLIANCE AGREEMENT

**DEPARTMENT OF CORRECTIONS
FOR
BLAND CORRECTIONAL CENTER
Registration No. 10391
AND
KEEN MOUNTAIN CORRECTIONAL CENTER
Registration No. 11078**

This is an Executive Compliance Agreement (Agreement) between the Virginia Department of Corrections (VADOC) and the Virginia Department of Environmental Quality (DEQ) pursuant to the Director's authority, as set forth in §§ 10.1-1185, -1192, -1309 and -1316, of the Code of Virginia (Va. Code), to administer and enforce the State Air Pollution Control Law and regulations.

VADOC owns and operates Bland Correctional Center (Bland Facility) located at 256 Bland Farm Road, Bland, Virginia. The Bland Facility is located in Bland County, a county serviced by the Southwest Regional Office (SWRO) of DEQ. The Bland Facility operates pursuant to a minor New Source Review Permit issued October 2, 2018 (Bland Permit). VADOC owns and operates Keen Mountain Correctional Center (Keen Mtn. Facility) located at 3402 Kennel Gap Road, Oakwood, Virginia. The Keen Mtn. Facility is located in Buchanan County, a county serviced by the Southwest Regional Office (SWRO) of DEQ. The Keen Mtn. Facility operates pursuant to a minor New Source Review Permit issued July 14, 2015 (Keen Mtn. Permit).

DEQ staff conducted a partial compliance evaluation (PCE) on site of the Bland Facility on December 12, 2019. During the PCE, DEQ staff noted the following observations:

Observation: Non-equivalent coatings were applied in the spray booth at the Bland Facility.

Legal Requirement:

- Condition 6 of the October 2, 2018 Bland Permit states, “The hourly and annual consumption of the following spray coating materials, or their equivalents...A change in the type or formulation of the coating materials listed above may require a change in the permit. (9VAC5-5-80-1180 and 9VAC5-170-160)”

On January 16, 2020, based on the December 12, 2019 PCE, DEQ issued a Notice of Violation No. ASWRO001404 (Bland NOV) for the violation listed above.

On January 29, 2020, DEQ received a telephone response from VADOC to the Bland Facility NOV. Electronic correspondence from VADOC indicated VADOC was developing a permit modification application regarding the utilization of the new coatings in the spray booth and that operation of the spray booth had ceased until a permit modification is approved.

On January 30, 2020, DEQ received a Bland Facility permit modification application for utilization of the non-equivalent coatings in the spray booth.

On April 8, 2020, a minor New Source Review Permit (Bland Facility) was issued for modification of permitted coating material and usage amounts.

DEQ staff conducted a PCE on site of the Keen Mtn. Facility on January 30, 2020. During the PCE, DEQ staff noted the following observations:

Observation: Emergency generators had been installed and operated prior to permit issuance at the Keen Mtn. Facility.

Legal Requirement:

- 9VAC5-80-1120 (A) states, “No owner or other person shall begin actual construction of, or operate, any new stationary source or any project subject to this article without first obtaining from the board a permit under the provisions of this article. The owner may not construct or operate the stationary source or project contrary to the terms and conditions of that permit”

On August 19, 2019, VADOC submitted a permit application to replace ten emergency generators at the Keen Mtn. Facility. DEQ requested additional information regarding the permit application on September 9, 2019, October 22, 2019 and January 22, 2020.

On February 10, 2020, based on the January 30, 2020 PCE, DEQ issued a Notice of Violation No. ASWRO001421 (Keen Mtn. NOV) for the violation listed above.

On February 13, 2020, DEQ received a telephone response from VADOC to the Keen Mtn. NOV.

On March 9, 2020, a significant amendment to the minor New Source Review Permit (Keen Mtn. Facility) was issued for installation and operation of replacement generators.

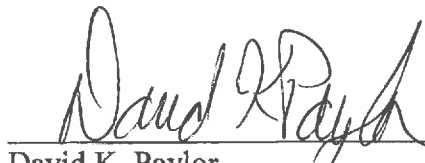
Based on the December 12, 2019 PCE of the Bland Facility, the Board finds that VADOC is in violation of condition 6 of the Bland Permit. Based on the January 30, 2020 PCE of the Keen Mtn. Facility, the Board finds that VADOC is in violation of 9VAC5-80-1120 (A).

To remedy the additional matters, VADOC and DEQ agree to the schedule of action in Appendix A.

This agreement shall become effective upon the date of its execution by the Director of the Department of Environmental Quality or his designee. VADOC agrees to be bound by any compliance dates in this Agreement that may predate its effective date.



Harold W. Clarke
Director, Department of Corrections



David K. Paylor
Director, Department of Environmental Quality

DEPARTMENT OF CORRECTIONS

APPENDIX A

1. VADOC:

Agrees to submit records for the months of April 2020, May 2020 and June 2020, each monthly record is due by the 15th day of the following month. These monthly records shall include the following information as outlined by the respective facility permit.

Bland Facility (registration #10391) - Monthly and annual consumption of coatings and thinner in the GFS Model # GIFP-866 spray booth. The annual consumption shall be calculated monthly as the sum of each consecutive 12-month period.

Keen Mtn. Facility (reg# 11078) - Annual hours of operation of each emergency diesel engine gen-set (Reference Nos. G1 - GIO), calculated monthly as the sum of each consecutive 12-month period.

2. Certification of Documents and Reports

In accordance with 9 VAC 5-20-230(A), in all documents or reports, submitted to DEQ pursuant to this Agreement, VADOC shall sign and certify under penalty of law that the information contained in such document or report is true, accurate, and not misleading by signing the following statement:

“I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering and evaluating the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.”

3. DEQ Contact

Unless otherwise specified in this Agreement, VADOC shall submit all requirements of Appendix A of this Order to:

Crystal C. Bazyk
Enforcement and Air Compliance/Monitoring Manager
VA DEQ – SWRO
355-A Deadmore Street
Abingdon, VA 24210
(276) 676-4829
crystal.bazyk@deq.virginia.gov